



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FCC 03M-17

02249

In the Matter of	)	EB Docket No. 02-21
	)	
PENINSULA COMMUNICATIONS, INC.	)	File No. EB 01-IH-0609
	)	FRN: 0001-5712-15
Licensee of stations	)	
KGTL, Homer, Alaska;	)	Facility ID Nos. 52152
KXBA(FM), Nikiski, Alaska;	)	86717
KWVV-FM, Homer, Alaska; and	)	52145
KPEN-FM, Soldotna, Alaska.	)	52149
	)	
Licensee of FM translator stations	)	
K292ED, Kachemak City, Alaska	)	52150
K285DU, Homer, Alaska;	)	52157
K285EG and K272DG, Seward, Alaska	)	52158 and 52160
	)	
Former licensee of FM translator stations	)	
K285EF, Kenai, Alaska;	)	
K283AB, Kenai/Soldotna, Alaska;	)	
K257DB, Anchor Point, Alaska;	)	
K265CK, Kachemak City, Alaska;	)	
K272CN, Homer, Alaska; and	)	
K274AB and K285AA, Kodiak, Alaska	)	

**ORDER**

Issued: May 14, 2003

Released: May 16, 2003

The Presiding Judge deems the current status of Peninsula Communications, Inc.'s licenses to be relevant and material to a forthcoming Initial Decision.

On April 29, 2003, in accordance with Presiding Judge's Order FCC 03M-14, Peninsula Communications, Inc. filed its Response, representing therein its universe of licenses as of the commencement of this proceeding in February 2002, to the date of Response, April 29, 2003.<sup>1</sup>

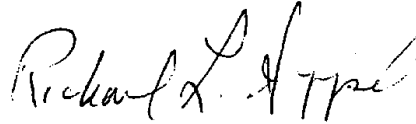
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<sup>1</sup> The Enforcement Bureau was authorized to file Comment by May 5, 2003. No Comment or other pleading has been filed as of the issuance of this Order.

Accordingly, IT IS ORDERED that on motion of the Presiding Judge, the hearing record IS OPENED and the pleading styled "Response of Peninsula Communications, Inc." filed on April 29, 2003, IS RECEIVED as **Official Notice Exhibit No. 22**.

IT IS FURTHER ORDERED that the hearing record IS CLOSED.

FEDERAL COMMUNICATIONS COMMISSION<sup>2</sup>

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" being clearly legible.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> Courtesy copies of this Order were sent to counsel for the parties by fax or e-mail on the day of issuance.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FCC 03M-14  
02187

In the Matter of	)	EB Docket No. 02-21
	)	
PENINSULA COMMUNICATIONS, INC.	)	File No. EB 01-IH-0609
	)	FRN: 0001-5712-15
	)	
Licensee of stations	)	
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Former licensee of FM translator stations	)	
K285EF, Kenai, Alaska;	)	
K283AB, Kenai/Soldotna, Alaska;	)	
K257DB, Anchor Point, Alaska;	)	
K265CK, Kachemak City, Alaska;	)	
K272CN, Homer, Alaska; and	)	
K274AB and K285AA, Kodiak, Alaska	)	

**ORDER**

Issued: April 23, 2003

Released: April 24, 2003

IT IS ORDERED that on or before **April 30, 2003**, Peninsula Communications, Inc. (PCI) shall file and serve a Status Report on Licenses<sup>1</sup> which shall contain, at a minimum:

- (1) A list of all FM translator stations and all full-power station (FM/AM) licensed to PCI at the start of this proceeding in February 2002.
- (2) The current status of each station listed.
- (3) The projected assignment or termination of any FM translator station.

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<sup>1</sup> Mr. David Becker must certify that the Status Report on Licensing is true and accurate.

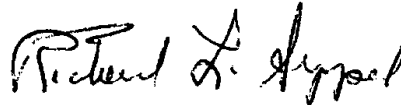
The Status Report on Licensing is required at this time to assure that the record reflects an accurate accounting of all licenses at issue in this case.<sup>2</sup> Therefore, licenses that are terminated shall be identified as "terminated," and licenses for which assignment applications are pending shall be so identified (including identity of any related denial requests). Licenses that have not been terminated and that are not subject to a requested assignment shall be separately identified.

PCI should also include the status of payment of forfeiture (\$140,000).

The Bureau may file Comment by **May 5, 2003**.<sup>3</sup>

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION<sup>4</sup>

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" clearly legible.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> It may be received as an Official Notice Exhibit at the discretion of the Presiding Judge.

<sup>3</sup> Parties shall serve courtesy copies (including copies to Presiding Judge) by fax or hand-delivery on date filed.

<sup>4</sup> Courtesy copies of this Order were sent to counsel for the parties by fax or e-mail on the day of issuance.

FCC-OALJ RCD

COPY

APR 32 Before the

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

RECEIVED

APR 29 2003

In the Matter of

) EB Docket No. 02-21

PENINSULA COMMUNICATIONS, INC.

) ) FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

) File No. EB 01-IH-0609

) FRN: 0001-5712-15

Licensee of stations

)

KGTL, Homer, Alaska;

) Facility ID Nos. 52152

KXBA(FM), Nikiski, Alaska;

) 86717

KWVV-FM, Homer, Alaska; and

) 52145

KPEN-FM, Soldotna, Alaska.

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Licensee of FM translator stations

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K292ED, Kachemak City, Alaska

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K285DU, Homer, Alaska;

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K285EG and K272DG, Seward, Alaska

) 52158 and 52160

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K285EF, Kenai, Alaska;

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K283AB, Kenai/Soldotna, Alaska;

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K257DB, Anchor Point, Alaska;

)

K265CK, Kachemak City, Alaska;

)

K272CN, Homer, Alaska; and

)

K274AB and K285AA, Kodiak, Alaska

)

To:

Chief Administrative Law Judge Richard L. Sippel

**RESPONSE OF PENINSULA COMMUNICATIONS, INC.**

Peninsula Communications, Inc., hereby respectfully submits this response to the *Order*, FCC 03M-14, of the Presiding Judge released on April 24, 2003. This response will follow the format of the inquiries made in the *Order*:

(1) A list of all FM translator stations and all full-power station (FM/AM) licensed to PCI at the start of this proceeding in February 2002.

StationsType of StationFacility ID Nos.

KGTL Homer, Alaska;

AM

52152

KXBA Nikiski, Alaska;

FM

86717

Federal Communications Commission	
Docket No. <u>02-21</u>	Official Notice Exhibit No. <u>32</u>
Presented by <u>PCI</u>	
Disposition	Identified <u>5/16/03</u>
	Received <u>5/16/03</u> *
	Rejected
Legal Staff Reporter	<u>Shirley T. Parker</u>
Date <u>5/16/03</u>	

\*By Order (FCC 03M-17) issued 5/14/03  
and released 5/16/03.

KWVV-FM, Homer, Alaska;	FM	52145
KPEN-FM, Soldotna, Alaska.	FM	52149
K292ED, Kachemak City, Alaska	FM Translator	52150
K285DU, Homer, Alaska;	FM Translator	52157
K285EG and K272DG, Seward, Alaska	FM Translators	52158 and 52160

**(2) The current status of each station listed.**

Each of the stations is currently operating pursuant to licenses issued by the FCC.<sup>1</sup>

**(3) The projected assignment or termination of any FM translator station.**

FM translator stations K285EG and K272DG, Seward, Alaska, are the subjects of applications presently pending before the FCC in files BALFT-20030401CJG and 20030401CJH seeking consent for the donation of the assets and licenses to The Moody Bible Institute of Chicago, a non-profit, noncommercial, educational licensee of the Commission. Peninsula has been ordered by the Commission to terminate the present operation of these translators no later than May 9, 2003, and Peninsula will terminate the operation of these translators on May 8, 2003. See, *Memorandum Opinion And Order*, FCC 03-47, released on March 10, 2003. The translators will remain silent pending disposition by the Commission of the donation thereof to Moody, to which donation there have not been any objections filed as of this date.

**(4) PCI should also include the status of payment of forfeiture (\$140,000).**

Peninsula is currently prosecuting an appeal of the Commission's \$140,000.00 forfeiture in a trial *de novo* before the United States District Court in Alaska, Case No. A02-295 (JWS). The trial is expected to take place next year. Peninsula will comply with the final court order in this proceeding.

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<sup>1</sup> As shown during the show cause proceeding, FM translator stations K285EF, Kenai, Alaska; K283AB, Kenai/Soldotna, Alaska; K257DB, Anchor Point, Alaska; K265CK, Kachemak City, Alaska; K272CN, Homer, Alaska; and K274AB and K285AA, Kodiak, Alaska, permanently ceased operation on August 28, 2002.



I hereby swear and affirm that the facts contained herein are true and correct to the best of my personal knowledge and belief.

Date: April 28, 2003

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David Becker-President Peninsula  
Communications, Inc.

I hereby swear and affirm that the facts contained herein are true and correct to  
the best of my personal knowledge and belief.

Date: April 28, 2003

A handwritten signature in cursive script, reading "David F. Becker". The signature is written in dark ink and is positioned above a horizontal line.

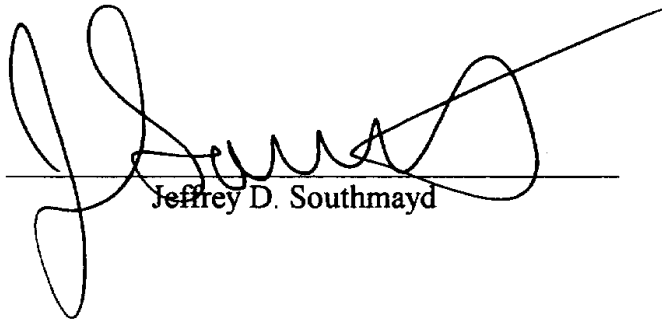
David Becker-President Peninsula  
Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent by first class United States mail, postage pre-paid, and via telecopier and email on this 29th day of April, 2003, to the following:

Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C749  
Washington, D.C. 20554

Mr. James Shook  
Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W. Room 7-C723  
Washington, D.C. 20554



Jeffrey D. Southmayd